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FILED

AUG 19 2011

Board of Vocational Nursing
and Psychiatric Technicians

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. VN-2009-4174

12 **REBECCA ANNE HERLIHY**
13 885 W. Olive Street
Colton, CA 92324

A C C U S A T I O N

14 Vocational Nurse License No. VN 212063

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs (Board).

22 2. On or about November 23, 2004, the Board issued Vocational Nurse License
23 No. VN 212063 to Rebecca Anne Herlihy (Respondent). The Vocational Nurse License will
24 expire on March 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 **COST RECOVERY**

2 8. Section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Convictions of Substantially Related Crimes)**

8 9. Respondent is subject to disciplinary action under section and 2878, subdivision (f),
9 in conjunction with California Code of Regulations, title 16, section 2521, in that Respondent was
10 convicted of crimes substantially related to the qualifications, functions or duties of a licensed
11 vocational nurse. The circumstances are as follows.

12 a. On or about April 22, 2010, after pleading guilty, Respondent was convicted of one
13 misdemeanor count of violating Penal Code section 459 [first degree residential burglary] in the
14 criminal proceeding entitled *The People of the State of California v. Rebecca Herlihy* (Super. Ct.
15 San Bernardino County, 2010, No. FSB1001413). The Court sentenced Respondent to 250 days
16 in jail and placed her on 36 months probation.

17 b. The circumstances underlying the conviction are that on or about April 9, 2010,
18 Respondent stole \$200.00 belonging to her sister's boyfriend from his bedroom dresser drawer
19 while he was taking a shower.

20 c. On or about April 16, 2010, after pleading guilty, Respondent was convicted of one
21 misdemeanor count of violating Penal Code section 484(a) [petty theft] in the criminal proceeding
22 entitled *The People of the State of California v. Rebecca Anne Herlihy* (Super. Ct. San Bernardino
23 County, 2010, No. MVI1000513). The Court sentenced Respondent to two (2) days in jail,
24 placed her on 36 months probation, and ordered her to stay away from Wal-Mart on Bear Valley
25 Road.

26 d. The circumstances underlying the conviction are that on or about January 3, 2010,
27 Respondent stole \$75.35 in merchandise from a Wal-Mart store.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dishonest Acts)**

3 10. Respondent is subject to disciplinary action under section 2878, subdivision (j), in
4 that Respondent engaged in substantially related dishonest acts. Complainant refers to and by this
5 reference incorporates the allegations set forth above in paragraph 9, subparagraphs a - d,
6 inclusive, as though set forth fully.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**


9 11. Respondent is subject to disciplinary action under section 2878, subdivision (a), in
10 that Respondent has engaged on unprofessional conduct. Complainant refers to and by this
11 reference incorporates the allegations set forth above in paragraph 9, subparagraphs a - d,
12 inclusive, as though set forth fully.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board issue a decision:

- 16 1. Revoking or suspending Vocational Nurse License No. VN 212063, issued to
17 Rebecca Anne Herlihy;
18 2. Ordering Rebecca Anne Herlihy to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to section 125.3; and
20 3. Taking such other and further action as deemed necessary and proper.

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22 DATED: August 19, 2011

23 
24 TERESA BELLO-JONES, J.D., M.S.N., R.N.
25 Executive Officer
26 Board of Vocational Nursing and Psychiatric Technicians
27 Department of Consumer Affairs
28 State of California
Complainant

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